

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 2, 2014

AMENDED IN SENATE MARCH 18, 2014

SENATE BILL

No. 892

Introduced by Senator Hancock

**(Coauthors: Senators Anderson, De León, Lara, Leno, and
Steinberg)**

(Coauthors: Assembly Members Ammiano and Skinner)

January 13, 2014

An act to amend Sections ~~2932~~, 2933.6, ~~6126~~, and 6126.3 of, and to add Article 7 (commencing with Section 2696.5) to Chapter 4 of Title 1 of Part 3 of, the Penal Code, relating to state prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Hancock. State prisons.

Existing law authorizes Security Housing Units for segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association.

This bill would require specified due process procedures for determining if an inmate is ~~a member of or an associate of a gang, and subject to placement in a Security Housing Unit~~ *a security threat group affiliate*. The bill would require the Office of the Inspector General, commencing January 1, 2016, to review every ~~determination~~ *security threat group validation and revalidation* completed on or after July 1, 2015, ~~prior to the offender being placed in a Security Housing Unit,~~

~~and in which confidential information was used, that an inmate is a gang member or associate, to determine whether the minimum level of due process was provided and that the determination was supported by the evidence. If the Inspector General concludes that the determination was not supported by the evidence, or that the inmate was not provided the minimum level of due process, the bill would require the Inspector General to notify the Institutional Classification Committee of its determination, and to elevate its concerns through the chain of supervision within the Department of Corrections and Rehabilitation to resolve the dispute if necessary, as provided. The bill would require that an offender's placement in a Security Housing Unit be delayed until the dispute is resolved and would require the dispute process to be concluded within 30 days.~~ *used.* Any documents pertaining to the review of security threat group validations would not be subject to a public records request or discovery.

~~The bill would require an inmate subject to an indeterminate Security Housing Unit term as a result of a security threat group validation to be placed in a multistep program designed to promote positive behavior and cessation of gang-related activities, and promotion of successful assimilation of the inmate with the ultimate goal of returning the inmate back into the general prison population as rapidly as possible. The bill would require the Inspector General, on or before July 1, 2016, to review the central files of each inmate who is subject to an indeterminate Security Housing Unit term who is denied progression within the program to assess the department's compliance with the program. The bill would require the department to prepare a reentry plan for every offender who will parole directly out of the Security Housing Unit or Psychiatric Services Unit into the community.~~

~~The bill would require an inmate subject to a determinate Security Housing Unit term to receive an individualized plan to address the conduct giving rise to the term in the Security Housing Unit, and to promote or an offender in the multistep program to be provided with promising or evidence-based programming that promotes successful assimilation back into the general prison population. The bill would authorize an inmate serving a determinate Security Housing Unit term to earn credits toward reducing that term. The bill would require the department to prepare a reentry plan for every offender who will parole directly out of the Security Housing Unit or Psychiatric Services Unit into the community.~~

The bill would require the *Office of the* Inspector General to review the department's compliance with the above provisions and to issue reports, no less than annually, to the Governor and the Legislature summarizing its review.

The bill would require an inmate in a Security Housing Unit or Psychiatric Services Unit to have access to educational programming, ~~to have weekly face-to-face interaction with uniformed and civilian staff~~, to have access to radio or television, and the opportunity to earn additional specified privileges. ~~The bill would require the Inspector General, on or before July 1, 2016, and biennially thereafter, to review and assess the department's compliance with these provisions.~~

~~The bill would require mental health screening for an inmate placed in the Security Housing Unit. The bill would require the Inspector General, on or before July 1, 2016, and biennially thereafter, to review and assess the department's compliance with these provisions. The bill would require the department to employ 2 ombudsmen to act as offender resource specialists for Security Housing Units and Psychiatric Services Units, to be responsible for, among other things, assisting an inmate with concerns about the inmate's responsibilities and rights during confinement in one of those units, and responding to an inmate's family member's inquiries. The bill would require the Inspector General to employ 5 security housing specialists to monitor the programming and conditions of security housing units.~~

The bill would require the department, commencing July 1, 2015, ~~to the extent the data is already being collected~~, to collect specified data regarding inmates subject to a term in a Security Housing Unit. The bill would require the *Office of the* Inspector General, commencing January 1, 2017, and biennially thereafter, to use the data to prepare reports for the Legislature on specified criteria pertaining to inmates in a Security Housing Unit and a Psychiatric Services Unit.

Existing law provides that an inmate placed in a Security Housing Unit for specified crimes or because of gang association or membership, or placed in a Psychiatric Services Unit, is ineligible to earn credits towards reducing his or her sentence during the time the inmate is in the Security Housing Unit.

This bill would permit the Department of Corrections and Rehabilitation to establish regulations to allow specified inmates to earn credits, as specified.

~~This bill would provide that those inmates would be eligible to earn credits toward reducing their sentences while in a Security Housing~~

~~Unit or Psychiatric Services Unit for a period during which the inmate has been free of disciplinary action for 6 consecutive months.~~

The bill would state findings and declarations by the Legislature relative to Security Housing Units ~~and would make conforming changes.~~

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Prisons serve a vital role in California's public safety and
3 criminal justice system. The prison system also is an increasingly
4 expensive government program.

5 (b) The mission of the Department of Corrections and
6 Rehabilitation is to enhance public safety through safe and secure
7 incarceration of the most serious and violent offenders, and to
8 provide effective parole supervision and rehabilitative strategies
9 for the successful reintegration of offenders into our communities.

10 (c) The criminal justice system must be transparent and include
11 performance measures that hold it accountable for its results in
12 protecting the public, reducing reoffending, and conserving
13 taxpayers' money.

14 (d) Long-term segregated housing as a prison management
15 strategy should be used only as a last resort and should be limited
16 in duration. The conditions of confinement should include
17 evidence-based programs designed to return the offender to the
18 general prison population.

19 SEC. 2. Article 7 (commencing with Section 2696.5) is added
20 to Chapter 4 of Title 1 of Part 3 of the Penal Code, to read:

21
22 Article 7. The Security Housing Unit

23
24 2696.5. ~~(a)~~—In any case in which the department seeks to
25 validate an offender as a security threat group affiliate, the

1 department shall provide an offender due process. An offender
2 shall be afforded, at a minimum, the following procedural
3 protections:

4 (1)

5 (a) Timely, written, and effective notice that security threat
6 group validation is being considered, and the facts upon which
7 that consideration is based.

8 (2)

9 (b) Decisionmaking by a dedicated and specially trained
10 classification committee.

11 (3)

12 (c) A hearing at which the offender may be heard in person and,
13 absent an individualized determination of good cause, has a
14 reasonable opportunity to present available witnesses and
15 information.

16 (4)

17 (d) An interpreter, if necessary, for the offender to understand
18 or participate in the proceedings.

19 ~~(5) An advocate~~

20 (e) A *staff assistant* to assist with the offender's investigation.

21 (6)

22 (f) An independent determination by the committee of the
23 reliability and credibility of confidential informants. ~~Information~~
24 ~~supplied by an informant shall only be considered by the committee~~
25 ~~if there is a finding, based on additional evidence, that the~~
26 ~~informant has personal and actual knowledge of the information~~
27 ~~he or she has provided.~~

28 (7)

29 (g) A written statement in plain language setting forth the
30 specific evidence relied upon, and the reasons for, validation.

31 ~~(b) (1) Commencing January 1, 2016, the Office of the Inspector~~
32 ~~General shall, prior to placement of an offender in a Security~~
33 ~~Housing Unit, review every security threat group validation and~~
34 ~~revalidation completed on or after July 1, 2015, in which~~
35 ~~confidential information was used, to determine whether the~~
36 ~~minimum level of due process was provided to the validated~~
37 ~~offender and that the validation was supported by the evidence. If~~
38 ~~the Office of Inspector General concludes that the security threat~~
39 ~~group validation was not supported by the evidence or that the~~
40 ~~offender was not provided the minimum level of due process, the~~

~~Office of Inspector General shall notify the Institution Classification Committee of its determination. If the Institution Classification Committee disagrees with the Inspector General's determination, the Inspector General shall elevate its concerns through the chain of supervision within the department as necessary to resolve the dispute, up to and including the Secretary of the Department of Corrections and Rehabilitation. An offender's placement in a Security Housing Unit shall be delayed until the dispute is resolved. The dispute process shall be concluded within 30 days.~~

~~(2) The duties established in paragraph (1) shall also include the review of each decision to deny an offender progress in, or to regress an offender in, a the Step Down Program, if that decision involved confidential information.~~

2697. (a) Commencing on January 1, 2015, an offender placed in the Security Housing Unit as a result of a security threat group validation, shall be placed in the Step Down Program. Offenders who were placed in the Security Housing Unit prior to January 1, 2015, shall be placed in the Step Down Program by the department's designated review board no later than ~~July~~ *December* 1, 2016. The Step Down Program is a multistep program designed to provide programming with the ultimate goal of returning the offender to the general prison population. The goal of the Step Down Program shall be to return prisoners to the general population as rapidly as possible, consistent with the safety and security of institutions of the department and shall not consist of more than five steps. ~~department.~~ It shall operate on the presumption that every prisoner who enters the Step Down Program can complete it in a timely manner.

~~(b) Within 30 days of an offender being placed into the Step Down Program, and by July 1, 2015, for all offenders who began serving an indeterminate Security Housing Unit term prior to January 1, 2015, the department shall develop an individualized plan for the offender. The plan shall include, but not be limited to, an assessment of the offender's needs, an individualized strategy to provide the offender with programming to address those needs, and a statement of the expectations for the offender to progress through the Step Down Program. The department shall provide the plan to the offender and explain it so that the offender can~~

1 understand his or her responsibilities under the plan. A copy of
2 the plan shall be placed in the offender's central file.

3 (e)

4 (b) An offender in the Step Down Program shall be provided
5 with promising or evidence-based programming. The programming
6 shall include incentives to promote positive behavior. The
7 programming shall also promote the successful assimilation of an
8 offender back into the general prison population. Information
9 obtained from the offender during this programming shall not be
10 used in a rules violation report against the offender or to keep the
11 offender in the Security Housing Unit. *The department shall have*
12 *power to promulgate regulations to define "promising*
13 *programming."*

14 (d) ~~The department shall track the offender's progress in meeting~~
15 ~~the requirements of the plan described in subdivision (b).~~

16 (e) ~~An offender in the Step Down Program shall be assessed by~~
17 ~~a correctional counselor every 180 days, in order to monitor the~~
18 ~~offender's progress. The correctional counselor and the offender~~
19 ~~resource specialist shall meet with the offender and provide the~~
20 ~~offender with a progress report that outlines what requirements~~
21 ~~the offender is not meeting and what the offender is expected to~~
22 ~~do to progress within the Step Down Program. An interpreter shall~~
23 ~~be provided, if necessary, so that the offender can understand and~~
24 ~~participate in the assessment. A copy of the report shall be placed~~
25 ~~in the offender's central file.~~

26 (f) ~~An offender shall have the opportunity to advance to the~~
27 ~~next step of the Step Down Program after successful participation~~
28 ~~in the current step for 180 days.~~

29 (g) ~~The department shall prepare a comprehensive reentry plan~~
30 ~~for every offender who will parole directly out of the Security~~
31 ~~Housing Unit or the Psychiatric Services Unit into the community.~~

32 (h) ~~On or before July 1, 2016, and continually thereafter, the~~
33 ~~Office of the Inspector General shall review the central file of each~~
34 ~~offender who is denied progress within the Step Down Program~~
35 ~~to assess the department's compliance with this section.~~

36 2697.5. (a) ~~Within 30 days of an offender beginning a~~
37 ~~determinate Security Housing Unit term, and by July 1, 2015, for~~
38 ~~all offenders who began serving a determinate Security Housing~~
39 ~~Unit term prior to January 1, 2015, the department shall develop~~
40 ~~an individualized plan for the offender. The plan shall include an~~

1 assessment of the offender's needs, an individualized strategy to
2 provide the offender with programming to address those needs,
3 and a statement of the expectations for the offender to progress
4 toward fewer restrictions and lower levels of custody based on the
5 offender's behavior. The department shall provide the plan to the
6 offender and explain it, so that the offender can understand those
7 expectations. A copy of the plan shall be placed in the offender's
8 central file.

9 ~~(b)–~~

10 2697.5. (a) An offender serving a determinate Security
11 Housing Unit term shall be provided with promising or
12 evidence-based programming. The programming shall promote
13 the successful assimilation of the offender back into the general
14 prison population. Information obtained from the offender during
15 the programming shall not be used in a rules violation report
16 against the offender, or to keep the offender in the Security Housing
17 Unit. *The department shall have power to promulgate regulations*
18 *to define "promising programming."*

19 ~~(c) The department shall track the offender's progress in meeting~~
20 ~~the requirements of the plan described in subdivision (a).~~

21 ~~(d) An offender serving a determinate Security Housing Unit~~
22 ~~term shall be assessed by a correctional counselor every 180 days,~~
23 ~~in order to monitor the offender's progress. The correctional~~
24 ~~counselor and the offender resource specialist shall meet with the~~
25 ~~offender and provide the offender with a progress report that~~
26 ~~outlines what requirements the offender is not meeting and what~~
27 ~~the offender is expected to do to be eligible for additional privileges~~
28 ~~and early release from the Security Housing Unit. An interpreter~~
29 ~~shall be provided, if necessary, so that the offender can understand~~
30 ~~and participate in the assessment. A copy of the report shall be~~
31 ~~placed in the offender's central file.~~

32 ~~(e) An offender serving a determinate Security Housing Unit~~
33 ~~term shall be eligible to earn credits towards early release from~~
34 ~~the Security Housing Unit. The department shall be responsible~~
35 ~~for developing guidelines for earning those credits.~~

36 ~~(f)~~

37 ~~(b) The department shall prepare a comprehensive reentry plan~~
38 ~~for every offender who will parole directly out of the Security~~
39 ~~Housing Unit or Psychiatric Services Unit into the community.~~

~~(g) (1) Commencing on July 1, 2015, the Inspector General shall review the department's compliance with this section. The Inspector General shall issue reports to the Governor and the Legislature, no less than annually, summarizing its review.~~

~~(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.~~

2698. (a) An offender placed in the Security Housing Unit or the Psychiatric Services Unit shall be provided with meaningful forms of mental, physical, and social stimulation. Those forms of stimulation shall include, but not be limited to, *both of* the following:

(1) Access to educational programming, including in-cell programming, that shall be developed for an offender who is not permitted to leave his or her cell.

~~(2) Opportunities to exercise in the presence of other offenders, provided however, that the offenders may be separated by security barriers, if necessary.~~

~~(3) Weekly face-to-face interaction with both uniformed and civilian staff or volunteers.~~

~~(4)~~

(2) Access to radio or television.

(b) The department shall create a behavior-driven progressive incentives program that includes, but is not limited to, *both of* the following: *following*,

~~(1) For for any 30-day period where during which an offender in the Security Housing Unit or Psychiatric Services Unit does not receive a rules violation report:~~

~~(A)~~

~~(1) One additional phone call in the following month.~~

~~(B)~~

~~(2) One additional photograph, for a maximum of 10.~~

~~(2) For any 180-day period where an offender in the Security Housing Unit or Psychiatric Services Unit does not receive a rules violation report, the offender shall be entitled to one additional personal property package with a maximum weight of 30 pounds.~~

(c) An offender shall be entitled to the privileges in subdivision (b) if a disciplinary action is reversed, dismissed, or modified to a minor rules violation.

~~(d) On or before July 1, 2016, and biennially thereafter, the Office of the Inspector General shall review and assess the department's compliance with this section.~~

~~2698.5. (a) An offender shall undergo a mental health screening by a qualified mental health professional within 30 days before beginning a term in the Security Housing Unit. An offender who has been diagnosed with a serious mental illness or who has a history of serious mental illness and decompensation in segregated settings shall not be placed in the Security Housing Unit.~~

~~(b) All offenders segregated in a Security Housing Unit as of January 1, 2015, shall undergo a mental health assessment by a qualified mental health professional by July 31, 2015. Prisoners found to be suffering from a serious mental illness shall be removed from the Security Housing Unit.~~

~~(c) The department shall provide training to all correctional staff in the Security Housing Unit and Psychiatric Services Unit on how to respond to an individual experiencing a psychiatric crisis in ways that reduce rather than escalate the crisis.~~

~~(d) On or before July 1, 2016, and biennially thereafter, the Office of the Inspector General shall review and assess the department's compliance with this section.~~

~~2699. The Commencing July 1, 2015, the department shall employ two ombudsmen to act as offender resource specialists for Security Housing Units and Psychiatric Services Units. The offender resource specialist's responsibilities shall include, but not be limited to, the following:~~

~~(a) Assisting an offender with concerns and questions concerning the offender's responsibilities and rights during confinement in the Security Housing Unit or Psychiatric Services Unit.~~

~~(b) Responding to inquiries from an offender's family members.~~

~~(c) Explaining Security Housing Unit and Psychiatric Services Unit policies to the public.~~

~~2699.5. (a) Commencing July 1, 2015, the department shall collect shall, only to the extent that the following data is already being collected via the Strategic Offender Management System or other electronic tracking systems utilized by the department, report the following data to the Office of the Inspector General at six month intervals:~~

~~(1)~~

1 (a) Information relating to each offender who is going through,
2 or has gone through, the validation process for determining a
3 security threat group affiliate, including the following:

4 ~~(A)~~

5 (1) The offender's gender, age, mental health status, and race.

6 ~~(B)~~

7 (2) The outcome at every step of the validation process.

8 ~~(C)~~

9 (3) If the offender was validated, the date of validation.

10 ~~(D)~~

11 (4) If the offender was validated, the level of validation that the
12 offender was assigned.

13 ~~(2)~~

14 (b) Information relating to the offender being housed in the
15 Security Housing Unit or Psychiatric Services Unit, including the
16 following:

17 ~~(A)~~

18 (1) The offender's gender, age, mental health status, and race.

19 ~~(B)~~

20 (2) The date the offender was placed in the Security Housing
21 Unit or Psychiatric Services Unit and the date of release.

22 ~~(C)~~

23 (3) The reason the offender is serving a Security Housing Unit
24 term.

25 ~~(D)~~

26 (4) If the offender is serving an indeterminate Security Housing
27 Unit term, the progress the offender has made in the Step Down
28 Program.

29 ~~(E)~~

30 (5) For offenders in the Step Down Program, the time spent in
31 each step of the program.

32 ~~(F)~~

33 (6) The number of visits from persons other than staff that the
34 offender was provided while serving a term in the Security Housing
35 Unit or Psychiatric Services Unit.

36 ~~(G)~~

37 (7) The number of telephone calls the offender was provided
38 while serving a term in the Security Housing Unit.

39 ~~(H)~~

1 (8) Whether the offender attempted to commit or committed
2 suicide.

3 (H)

4 (9) Any disciplinary action taken against the offender, and the
5 result of that action.

6 (J)

7 (10) Whether the offender was paroled directly out of the
8 Security Housing Unit or the Psychiatric Services Unit into the
9 community.

10 (3)

11 (c) The number of administrative appeals filed by offenders in
12 the Security Housing Unit or Psychiatric Services Unit, the subject
13 matter of the appeals, and the outcome of the appeals.

14 ~~(b) Commencing January 1, 2017, and biennially thereafter, the~~
15 ~~Office of the Inspector General shall use the data described in~~
16 ~~subdivision (a) to prepare a report to the Legislature that includes,~~
17 ~~but is not limited to, the following information:~~

18 ~~(1) The number of offenders investigated for security threat~~
19 ~~group validation and the number of investigations that resulted in~~
20 ~~a validation:~~

21 ~~(2) The number of cases in which the Office of Correctional~~
22 ~~Safety recommended against validation and the outcome of those~~
23 ~~cases:~~

24 ~~(3) The number of cases in which the security threat group~~
25 ~~committee decided not to validate the offender.~~

26 ~~(4) The number of offenders who were not initially placed in~~
27 ~~the Security Housing Unit or Psychiatric Services Unit but were~~
28 ~~sent to the Security Housing Unit or Psychiatric Services Unit~~
29 ~~within six months of validation:~~

30 ~~(5) The number of offenders placed for an indeterminate~~
31 ~~Security Housing Unit term or in the Psychiatric Services Unit.~~

32 ~~(6) The number of offenders placed for a determinate Security~~
33 ~~Housing Unit term or in the Psychiatric Services Unit.~~

34 ~~(7) The average length of time offenders serving an~~
35 ~~indeterminate Security Housing Unit term spent in the Security~~
36 ~~Housing Unit or the Psychiatric Services Unit, or both.~~

37 ~~(8) The average length of time offenders spent in each step of~~
38 ~~the Step Down Program:~~

39 ~~(9) The number of suicide attempts made by offenders in the~~
40 ~~Security Housing Unit and the Psychiatric Services Unit.~~

1 ~~(10) The number of suicides by offenders in the Security~~
2 ~~Housing Unit and the Psychiatric Services Unit.~~

3 ~~(11) The number of offenders in the Security Housing Unit and~~
4 ~~the Psychiatric Services Unit who were paroled directly out of the~~
5 ~~Security Housing Unit and the Psychiatric Services Unit into the~~
6 ~~community.~~

7 ~~(12) The number of disciplinary actions taken against offenders~~
8 ~~in the Security Housing Unit and the Psychiatric Services Unit,~~
9 ~~the type of actions, and the outcomes of the disciplinary actions.~~

10 ~~(13) The number of visits by persons other than staff to offenders~~
11 ~~in the Security Housing Unit and the Psychiatric Services Unit.~~

12 ~~(14) The number of telephone calls provided to offenders in the~~
13 ~~Security Housing Unit and the Psychiatric Services Unit.~~

14 ~~(15) The number of administrative appeals filed by offenders~~
15 ~~in the Security Housing Unit or the Psychiatric Services Unit, the~~
16 ~~subject matter of the appeals, and the outcomes of those appeals.~~

17 ~~(e) The report required by subdivision (b) shall be submitted in~~
18 ~~compliance with Section 9795 of the Government Code.~~

19 *2699.7. (a) Commencing January 1, 2017, and biennially*
20 *thereafter, the Office of the Inspector General shall use the data*
21 *described in Section 2699.5 to prepare a report to the Legislature*
22 *that includes, but is not limited to, the following information:*

23 *(1) The number of offenders investigated for security threat*
24 *group validation and the number of investigations that resulted in*
25 *a validation.*

26 *(2) The number of cases in which the Office of Correctional*
27 *Safety recommended against validation and the outcome of those*
28 *cases.*

29 *(3) The number of cases in which the security threat group*
30 *committee decided not to validate the offender.*

31 *(4) The number of offenders who were not initially placed in*
32 *the Security Housing Unit or Psychiatric Services Unit but were*
33 *sent to the Security Housing Unit or Psychiatric Services Unit*
34 *within six months of validation.*

35 *(5) The number of offenders placed for an indeterminate Security*
36 *Housing Unit term or in the Psychiatric Services Unit.*

37 *(6) The number of offenders placed for a determinate Security*
38 *Housing Unit term or in the Psychiatric Services Unit.*

1 (7) *The average length of time offenders serving an*
2 *indeterminate Security Housing Unit term spent in the Security*
3 *Housing Unit or the Psychiatric Services Unit, or both.*

4 (8) *The average length of time offenders spent in each step of*
5 *the Step Down Program.*

6 (9) *The number of suicide attempts made by offenders in the*
7 *Security Housing Unit and the Psychiatric Services Unit.*

8 (10) *The number of suicides by offenders in the Security Housing*
9 *Unit and the Psychiatric Services Unit.*

10 (11) *The number of offenders in the Security Housing Unit and*
11 *the Psychiatric Services Unit who were paroled directly out of the*
12 *Security Housing Unit and the Psychiatric Services Unit into the*
13 *community.*

14 (12) *The number of disciplinary actions taken against offenders*
15 *in the Security Housing Unit and the Psychiatric Services Unit,*
16 *the type of actions, and the outcomes of the disciplinary actions.*

17 (13) *The number of visits by persons other than staff to offenders*
18 *in the Security Housing Unit and the Psychiatric Services Unit.*

19 (14) *The number of telephone calls provided to offenders in the*
20 *Security Housing Unit and the Psychiatric Services Unit.*

21 (15) *The number of administrative appeals filed by offenders*
22 *in the Security Housing Unit or the Psychiatric Services Unit, the*
23 *subject matter of the appeals, and the outcomes of those appeals.*

24 (b) *The Office of the Inspector General shall do all of the*
25 *following:*

26 (1) *Commencing January 1, 2016, the Office of the Inspector*
27 *General shall review every security threat group validation and*
28 *revalidation completed on or after July 1, 2015, in which*
29 *confidential information was used.*

30 (2) *Commencing July 1, 2015, the Office of the Inspector*
31 *General shall review the department's compliance with Section*
32 *2697 and 2697.5. The Office of the Inspector General shall issue*
33 *reports to the Governor and the Legislature, no less than annually,*
34 *summarizing its review.*

35 (c) *The reports required by this section shall be submitted in*
36 *compliance with Section 9795 of the Government Code.*

37 ~~SEC. 3.—Section 2932 of the Penal Code is amended to read:~~

38 ~~2932. (a) (1) For any time credit accumulated pursuant to~~
39 ~~Section 2931 or 2933, not more than 360 days of credit may be~~
40 ~~denied or lost for a single act of murder, attempted murder,~~

1 ~~solicitation of murder, manslaughter, rape, sodomy, or oral~~
2 ~~copulation accomplished against the victim's will, attempted rape,~~
3 ~~attempted sodomy, or attempted oral copulation accomplished~~
4 ~~against the victim's will, assault or battery causing serious bodily~~
5 ~~injury, assault with a deadly weapon or caustic substance, taking~~
6 ~~of a hostage, escape with force or violence, or possession or~~
7 ~~manufacture of a deadly weapon or explosive device, whether or~~
8 ~~not prosecution is undertaken for purposes of this paragraph.~~
9 ~~Solicitation of murder shall be proved by the testimony of two~~
10 ~~witnesses, or of one witness and corroborating circumstances.~~

11 (2) ~~Not more than 180 days of credit may be denied or lost for~~
12 ~~a single act of misconduct, except as specified in paragraph (1),~~
13 ~~which could be prosecuted as a felony whether or not prosecution~~
14 ~~is undertaken.~~

15 (3) ~~Not more than 90 days of credit may be denied or lost for a~~
16 ~~single act of misconduct which could be prosecuted as a~~
17 ~~misdemeanor, whether or not prosecution is undertaken.~~

18 (4) ~~Not more than 30 days of credit may be denied or lost for a~~
19 ~~single act of misconduct defined by regulation as a serious~~
20 ~~disciplinary offense by the Department of Corrections and~~
21 ~~Rehabilitation. Any person confined due to a change in custodial~~
22 ~~classification following the commission of any serious disciplinary~~
23 ~~infraction shall, in addition to any loss of time credits, be ineligible~~
24 ~~to receive participation or worktime credit for a period not to~~
25 ~~exceed the number of days of credit which have been lost for the~~
26 ~~act of misconduct or 180 days, whichever is less. Any person~~
27 ~~confined in a Security Housing Unit for having committed any~~
28 ~~misconduct specified in paragraph (1) in which great bodily injury~~
29 ~~is inflicted upon a nonprisoner shall, in addition to any loss of time~~
30 ~~credits, be ineligible to receive participation or worktime credit~~
31 ~~for a period not to exceed the number of days of credit which have~~
32 ~~been lost for that act of misconduct. In unusual cases, an inmate~~
33 ~~may be denied the opportunity to participate in a credit qualifying~~
34 ~~assignment for up to six months beyond the period specified in~~
35 ~~this subdivision if the Secretary of the Department of Corrections~~
36 ~~and Rehabilitation finds, after a hearing, that no credit qualifying~~
37 ~~program may be assigned to the inmate without creating a~~
38 ~~substantial risk of physical harm to staff or other inmates. At the~~
39 ~~end of the six-month period and of successive six-month periods,~~
40 ~~the denial of the opportunity to participate in a credit qualifying~~

1 assignment may be renewed upon a hearing and finding by the
2 director.

3 (5) The prisoner may appeal the decision through the
4 department's review procedure, which shall include a review by
5 an individual independent of the institution who has supervisory
6 authority over the institution.

7 (b) For any credit accumulated pursuant to Section 2931, not
8 more than 30 days of participation credit may be denied or lost for
9 a single failure or refusal to participate. Any act of misconduct
10 described by the Department of Corrections and Rehabilitation as
11 a serious disciplinary infraction if committed while participating
12 in work, educational, vocational, therapeutic, or other prison
13 activity shall be deemed a failure to participate.

14 (c) Any procedure not provided for by this section, but necessary
15 to carry out the purposes of this section, shall be those procedures
16 provided for by the Department of Corrections and Rehabilitation
17 for serious disciplinary infractions if those procedures are not in
18 conflict with this section.

19 (1) (A) The Department of Corrections and Rehabilitation shall,
20 using reasonable diligence to investigate, provide written notice
21 to the prisoner. The written notice shall be given within 15 days
22 after the discovery of information leading to charges that may
23 result in a possible denial of credit, except that if the prisoner has
24 escaped, the notice shall be given within 15 days of the prisoner's
25 return to the custody of the secretary. The written notice shall
26 include the specific charge, the date, the time, the place that the
27 alleged misbehavior took place, the evidence relied upon, a written
28 explanation of the procedures that will be employed at the
29 proceedings and the prisoner's rights at the hearing. The hearing
30 shall be conducted by an individual who shall be independent of
31 the case and shall take place within 30 days of the written notice.

32 (B) The Department of Corrections and Rehabilitation may
33 delay written notice beyond 15 days when all of the following
34 factors are true:

35 (i) An act of misconduct is involved which could be prosecuted
36 as murder, attempted murder, or assault on a prison employee,
37 whether or not prosecution is undertaken.

38 (ii) Further investigation is being undertaken for the purpose of
39 identifying other prisoners involved in the misconduct.

1 ~~(iii) Within 15 days after the discovery of information leading~~
2 ~~to charges that may result in a possible denial of credit, the~~
3 ~~investigating officer makes a written request to delay notifying~~
4 ~~that prisoner and states the reasons for the delay.~~

5 ~~(iv) The warden of the institution approves of the delay in~~
6 ~~writing.~~

7 ~~The period of delay under this paragraph shall not exceed 30~~
8 ~~days. The prisoner's hearing shall take place within 30 days of the~~
9 ~~written notice.~~

10 ~~(2) The prisoner may elect to be assigned an employee to assist~~
11 ~~in the investigation, preparation, or presentation of a defense at~~
12 ~~the disciplinary hearing if it is determined by the department that~~
13 ~~either of the following circumstances exist:~~

14 ~~(A) The prisoner is illiterate.~~

15 ~~(B) The complexity of the issues or the prisoner's confinement~~
16 ~~status makes it unlikely that the prisoner can collect and present~~
17 ~~the evidence necessary for an adequate comprehension of the case.~~

18 ~~(3) The prisoner may request witnesses to attend the hearing~~
19 ~~and they shall be called unless the person conducting the hearing~~
20 ~~has specific reasons to deny this request. The specific reasons shall~~
21 ~~be set forth in writing and a copy of the document shall be~~
22 ~~presented to the prisoner.~~

23 ~~(4) The prisoner has the right, under the direction of the person~~
24 ~~conducting the hearing, to question all witnesses.~~

25 ~~(5) At the conclusion of the hearing the charge shall be~~
26 ~~dismissed if the facts do not support the charge, or the prisoner~~
27 ~~may be found guilty on the basis of a preponderance of the~~
28 ~~evidence.~~

29 ~~(d) If found guilty the prisoner shall be advised in writing of~~
30 ~~the guilty finding and the specific evidence relied upon to reach~~
31 ~~this conclusion and the amount of time-credit loss. The prisoner~~
32 ~~may appeal the decision through the department's review~~
33 ~~procedure, and may, upon final notification of appeal denial, within~~
34 ~~15 days of the notification demand review of the department's~~
35 ~~denial of credit to the Board of Parole Hearings, and the board~~
36 ~~may affirm, reverse, or modify the department's decision or grant~~
37 ~~a hearing before the board at which hearing the prisoner shall have~~
38 ~~the rights specified in Section 3041.5.~~

39 ~~(e) Each prisoner subject to Section 2931 shall be notified of~~
40 ~~the total amount of good behavior and participation credit which~~

1 may be credited pursuant to Section 2931, and his or her anticipated
2 time-credit release date. The prisoner shall be notified of any
3 change in the anticipated release date due to denial or loss of
4 credits, award of worktime credit, under Section 2933, or the
5 restoration of any credits previously forfeited.

6 (f) (1) If the conduct the prisoner is charged with also
7 constitutes a crime, the department may refer the case to criminal
8 authorities for possible prosecution. The department shall notify
9 the prisoner, who may request postponement of the disciplinary
10 proceedings pending the referral.

11 (2) The prisoner may revoke his or her request for postponement
12 of the disciplinary proceedings up until the filing of the accusatory
13 pleading. In the event of the revocation of the request for
14 postponement of the proceeding, the department shall hold the
15 hearing within 30 days of the revocation.

16 (3) Notwithstanding the notification requirements in this
17 paragraph and subparagraphs (A) and (B) of paragraph (1) of
18 subdivision (e), in the event the case is referred to criminal
19 authorities for prosecution and the authority requests that the
20 prisoner not be notified so as to protect the confidentiality of its
21 investigation, no notice to the prisoner shall be required until an
22 accusatory pleading is filed with the court, or the authority notifies
23 the warden, in writing, that it will not prosecute or it authorizes
24 the notification of the prisoner. The notice exceptions provided
25 for in this paragraph shall only apply if the criminal authority
26 requests of the warden, in writing, and within the 15 days provided
27 in subparagraph (A) of paragraph (1) of subdivision (e), that the
28 prisoner not be notified. Any period of delay of notice to the
29 prisoner shall not exceed 30 days beyond the 15 days referred to
30 in subdivision (e). In the event that no prosecution is undertaken,
31 the procedures in subdivision (e) shall apply, and the time periods
32 set forth in that subdivision shall commence to run from the date
33 the warden is notified in writing of the decision not to prosecute.
34 In the event the authority either cancels its requests that the prisoner
35 not be notified before it makes a decision on prosecution or files
36 an accusatory pleading, the provisions of this paragraph shall apply
37 as if no request had been received, beginning from the date of the
38 cancellation or filing.

39 (4) In the case where the prisoner is prosecuted by the district
40 attorney, the Department of Corrections and Rehabilitation shall

1 not deny time credit where the prisoner is found not guilty and
2 may deny credit if the prisoner is found guilty, in which case the
3 procedures in subdivision (c) shall not apply.

4 (g) ~~If time credit denial proceedings or criminal prosecution~~
5 ~~prohibit the release of a prisoner who would have otherwise been~~
6 ~~released, and the prisoner is found not guilty of the alleged~~
7 ~~misconduct, the amount of time spent incarcerated, in excess of~~
8 ~~what the period of incarceration would have been absent the alleged~~
9 ~~misbehavior, shall be deducted from the prisoner's parole period.~~

10 (h) ~~Nothing in the amendments to this section made at the~~
11 ~~1981–82 Regular Session of the Legislature shall affect the granting~~
12 ~~or revocation of credits attributable to that portion of the prisoner's~~
13 ~~sentence served prior to January 1, 1983.~~

14 ~~SEC. 4.~~

15 *SEC. 3.* Section 2933.6 of the Penal Code is amended to read:

16 2933.6. (a) Notwithstanding any other law, *except as provided*
17 *in subdivision (d)*, a person who is placed in a Security Housing
18 Unit, Psychiatric Services Unit, Behavioral Management Unit, or
19 an Administrative Segregation Unit for misconduct described in
20 subdivision (b) or upon validation as a prison gang member or
21 associate is ineligible to earn credits pursuant to Section 2933 or
22 2933.05 during the time he or she is in the Security Housing Unit,
23 Psychiatric Services Unit, Behavioral Management Unit, or the
24 Administrative Segregation Unit for that misconduct.

25 (b) This section applies to the following offenses:

26 (1) Murder, attempted murder, and solicitation of murder. For
27 purposes of this paragraph, solicitation of murder shall be proven
28 by the testimony of two witnesses, or of one witness and
29 corroborating circumstances.

30 (2) Manslaughter.

31 (3) Assault or battery causing serious bodily injury.

32 (4) Assault or battery on a peace officer or other nonprisoner
33 which results in physical injury.

34 (5) Assault with a deadly weapon or caustic substance.

35 (6) Rape, attempted rape, sodomy, attempted sodomy, oral
36 copulation, or attempted oral copulation accomplished against the
37 victim's will.

38 (7) Taking a hostage.

39 (8) Escape or attempted escape with force or violence.

1 (9) Escape from any departmental prison or institution other
2 than a camp or reentry facility.

3 (10) Possession or manufacture of a deadly weapon or explosive
4 device.

5 (11) Arson involving damage to a structure.

6 (12) Possession of flammable, explosive material with intent to
7 burn any structure or property.

8 (13) Solicitation of assault with a deadly weapon or assault by
9 means of force likely to produce great bodily injury, arson, or a
10 forcible sex act.

11 (14) Intentional destruction of state property in excess of four
12 hundred dollars (\$400) during a riot or disturbance.

13 (c) ~~This Subdivision (a) of this section does not apply if the~~
14 ~~administrative finding of the misconduct is overturned or if the~~
15 ~~person is criminally prosecuted for the misconduct and is found~~
16 ~~not guilty.~~

17 ~~(d) This section does not apply during any period during which~~
18 ~~an offender in the Security Housing Unit has remained free of~~
19 ~~disciplinary action for six consecutive months.~~

20 *(d) Notwithstanding subdivision (a), the Department of*
21 *Corrections and Rehabilitation may establish regulations to allow*
22 *specified inmates placed in a Security Housing Unit, Psychiatric*
23 *Services Unit, Behavioral Management Unit, or an Administrative*
24 *Segregation Unit to earn credits pursuant to Section 2933 or*
25 *2933.05, or credits as otherwise specified in regulation, during*
26 *the time he or she is in the Security Housing Unit, Psychiatric*
27 *Services Unit, Behavioral Management Unit, or the Administrative*
28 *Segregation Unit. The regulations shall provide for separate*
29 *classifications of serious disciplinary infractions as they relate to*
30 *restoration of credits, the time period required before forfeited*
31 *credits or a portion thereof may be restored, and the percentage*
32 *of forfeited credits that may be restored for those time periods,*
33 *not to exceed those percentages authorized for general population*
34 *inmates. The regulations shall provide for credit earning for*
35 *inmates who successfully complete specific program performance*
36 *objectives.*

37 ~~SEC. 5.—Section 6126 of the Penal Code is amended to read:~~

38 ~~6126.—(a) The Inspector General shall be responsible for~~
39 ~~contemporaneous oversight of internal affairs investigations and~~
40 ~~the disciplinary process of the Department of Corrections and~~

1 Rehabilitation, pursuant to Section 6133 under policies to be
2 developed by the Inspector General.

3 (b) When requested by the Governor, the Senate Committee on
4 Rules, or the Speaker of the Assembly, the Inspector General shall
5 review policies, practices, and procedures of the department. The
6 Inspector General, under policies developed by the Inspector
7 General, may recommend that the Governor, the Senate Committee
8 on Rules, or the Speaker of the Assembly request a review of a
9 specific departmental policy, practice, or procedure that raises a
10 significant correctional issue relevant to the effectiveness of the
11 department. When exigent circumstances of unsafe or life
12 threatening situations arise involving inmates, wards, parolees, or
13 staff, the Inspector General may, by whatever means is most
14 expeditious, notify the Governor, Senate Committee on Rules, or
15 the Speaker of the Assembly.

16 (c) (1) Upon completion of a review, the Inspector General
17 shall prepare a complete written report, which shall be held as
18 confidential and disclosed in confidence, along with all underlying
19 materials the Inspector General deems appropriate, to the requesting
20 entity in subdivision (b) and the appropriate law enforcement
21 agency.

22 (2) The Inspector General shall also prepare a public report.
23 When necessary, the public report shall differ from the complete
24 written report in the respect that the Inspector General shall have
25 the discretion to redact or otherwise protect the names of
26 individuals, specific locations, or other facts that, if not redacted,
27 might hinder prosecution related to the review, or where disclosure
28 of the information is otherwise prohibited by law, and to decline
29 to produce any of the underlying materials. Copies of public reports
30 shall be posted on the Office of the Inspector General's Internet
31 Web site.

32 (d) The Inspector General shall, during the course of a review,
33 identify areas of full and partial compliance, or noncompliance,
34 with departmental policies and procedures, specify deficiencies in
35 the completion and documentation of processes, and recommend
36 corrective actions, including, but not limited to, additional training,
37 additional policies, or changes in policy, as well as any other
38 findings or recommendations that the Inspector General deems
39 appropriate.

1 ~~(e) The Inspector General, pursuant to Section 6126.6, shall~~
2 ~~review the Governor's candidates for appointment to serve as~~
3 ~~warden for the state's adult correctional institutions and as~~
4 ~~superintendents for the state's juvenile facilities.~~

5 ~~(f) The Inspector General shall conduct an objective, clinically~~
6 ~~appropriate, and metric-oriented medical inspection program to~~
7 ~~periodically review delivery of medical care at each state prison.~~

8 ~~(g) The Inspector General shall conduct an objective,~~
9 ~~metric-oriented oversight and inspection program to periodically~~
10 ~~review delivery of the reforms identified in the document released~~
11 ~~by the Department of Corrections and Rehabilitation in April 2012,~~
12 ~~entitled The Future of California Corrections: A Blueprint to Save~~
13 ~~Billions of Dollars, End Federal Court Oversight, and Improve the~~
14 ~~Prison System (the blueprint), including, but not limited to, the~~
15 ~~following specific goals and reforms described by the blueprint:~~

16 ~~(1) Whether the department has increased the percentage of~~
17 ~~inmates served in rehabilitative programs to 70 percent of the~~
18 ~~department's target population prior to their release.~~

19 ~~(2) The establishment of an adherence to the standardized~~
20 ~~staffing model at each institution.~~

21 ~~(3) The establishment of an adherence to the new inmate~~
22 ~~classification score system.~~

23 ~~(4) The establishment of and adherence to the new prison gang~~
24 ~~management system, including changes to the department's current~~
25 ~~policies for identifying prison-based gang members and associates~~
26 ~~and the use and conditions associated with the department's~~
27 ~~security housing units.~~

28 ~~(5) The implementation of and adherence to the Comprehensive~~
29 ~~Housing Plan described in the blueprint.~~

30 ~~(h) The Inspector General shall, in consultation with the~~
31 ~~Department of Finance, develop a methodology for producing a~~
32 ~~workload budget to be used for annually adjusting the budget of~~
33 ~~the Office of the Inspector General, beginning with the budget for~~
34 ~~the 2005-06 fiscal year.~~

35 ~~(i) The Inspector General shall employ five secured housing~~
36 ~~specialists. The secured housing specialists shall monitor the~~
37 ~~programming and conditions of security housing units, in addition~~
38 ~~to assuming any related duties determined by the Inspector General.~~

39 ~~SEC. 6.~~

40 ~~SEC. 4. Section 6126.3 of the Penal Code is amended to read:~~

1 6126.3. (a) The Inspector General shall not destroy any papers
2 or memoranda used to support a completed review within three
3 years after a report is released.

4 (b) Except as provided in subdivision (c), all books, papers,
5 records, and correspondence of the office pertaining to its work
6 are public records subject to Chapter 3.5 (commencing with Section
7 6250) of Division 7 of Title 1 of the Government Code and shall
8 be filed at any of the regularly maintained offices of the Inspector
9 General.

10 (c) The following books, papers, records, and correspondence
11 of the Office of the Inspector General pertaining to its work are
12 not public records subject to Chapter 3.5 (commencing with Section
13 6250) of Division 7 of Title 1 of the Government Code, nor shall
14 they be subject to discovery pursuant to any provision of Title 3
15 (commencing with Section 1985) of Part 4 of the Code of Civil
16 Procedure or Chapter 7 (commencing with Section 19570) of Part
17 2 of Division 5 of Title 2 of the Government Code in any manner:

18 (1) All reports, papers, correspondence, memoranda, electronic
19 communications, or other documents that are otherwise exempt
20 from disclosure pursuant to the provisions of subdivision (d) of
21 Section 6126.5, Section 6126.6, subdivision (c) of Section 6128,
22 subdivision (c) of Section 6126, or all other applicable laws
23 regarding confidentiality, including, but not limited to, the
24 California Public Records Act, the Public Safety Officers'
25 Procedural Bill of Rights, the Information Practices Act of 1977,
26 the Confidentiality of Medical Information Act of 1977, and the
27 provisions of Section 832.7, relating to the disposition notification
28 for complaints against peace officers.

29 (2) Any papers, correspondence, memoranda, electronic
30 communications, or other documents pertaining to any review that
31 has not been completed.

32 (3) Any papers, correspondence, memoranda, electronic
33 communications, or other documents pertaining to internal
34 discussions between the Inspector General and his or her staff, or
35 between staff members of the Inspector General, or any personal
36 notes of the Inspector General or his or her staff.

37 (4) All identifying information, and any personal papers or
38 correspondence from any person requesting assistance from the
39 Inspector General, except in those cases where the Inspector

1 General determines that disclosure of the information is necessary
2 in the interests of justice.

3 (5) Any papers, correspondence, memoranda, electronic
4 communications, or other documents pertaining to
5 contemporaneous public oversight pursuant to Section 6133.

6 (6) Any papers, correspondence, memoranda, electronic
7 communications, or other documents pertaining to the review of
8 security threat group validations made pursuant to Section 2696.5.

9 ~~SEC. 7.~~

10 *SEC. 5.* The Legislature finds and declares that ~~Section 6 4~~ of
11 this act imposes a limitation on the public's right of access to
12 meetings of public bodies or the writings of public officials and
13 agencies within the meaning of Section 3 of Article I of the
14 California Constitution. Pursuant to that constitutional provision,
15 the Legislature makes the following finding to demonstrate the
16 interest protected by this limitation and the need for protecting
17 that interest: the Legislature finds and declares that in order to
18 protect the security of the Department of Corrections and
19 Rehabilitations, its staff and inmates, it is necessary to exempt any
20 papers, correspondence, memoranda, electronic communications,
21 or other documents pertaining to the review of security threat group
22 validations made pursuant to Section 2696.5 from public disclosure.